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September 17, 2003

Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**RE: Ex Parte Presentation in MB Docket No. 02-230,
Digital Broadcast Copy Protection**

Dear Ms. Dortch

On September 16, 2003, Richard Bates of The Walt Disney Company, Ron Wheeler and Maureen O'Connell of News Corp. and Paul Heimbach and Anne Lucey of Viacom met with the following to discuss the above referenced proceeding: Steven Broeckaert, Rick Chesson, Alison Greenwald, Tom Horan, Deborah Klein, Bill Johnson, Susan Mort, Mary Beth Murphy, Mike Perko and John Wong of the Media Bureau; Jane Mago, Jonathan Levy and Amy Nathan of the Office of Strategic Planning and Policy Analysis; and Alan Stillwell of the Office of Engineering and Technology. Specifically, the following representations were made:

(a) need not adopt a definition of "personal digital network environment" in order to adopt the Table A proposal as proposed by MPAA et al., because that proposal allowed marketplace decisions to flexibly determine over time what amount of redistribution was mutually acceptable to content owners and implementers (and allowed third parties to show that their technologies were "at least as effective" as the marketplace approved technologies in securely so limiting redistribution). However, if the Commission believed it necessary and appropriate to add an additional method of access to Table A making use of objective technical criteria, then in addition to having to solve the numerous difficulties associated with specifying the mandatory security aspects of qualifying technologies, the Commission would also have to provide a specific

definition of "personal digital network environment" within which such technologies would be required to confine redistribution of DTV content;

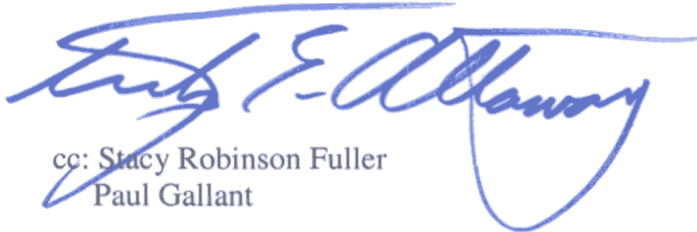
(b) need not worry that the future existence of software-based demodulator products would fatally undermine the effectiveness of the broadcast flag technology any more than the "deCSS" software had undermined the CSS encryption technology for DVDs, given that in both cases the products are "circumvention devices" the distribution and use of which would be illegal and not of interest or use to the vast majority of law-abiding citizens;

(c) need not worry about the proposal to allow transmission of DTV content in down-resolved form through certain unprotected DVI outputs, given that such outputs affected a relatively small number of legacy computer devices; and

(d) need not worry about the proposal to allow certain types of legacy standard-definition digital audio streams to continue to be output without protection, given the hardship that an alternative treatment of such streams would impose on consumers.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office.

Sincerely,



cc: Stacy Robinson Fuller
Paul Gallant